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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,669	10/26/2005	Michael Adrianus Henricus Van Der Aa	NL021493	4214
24737 7590 12/29/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER HEYI, HENOK G				
ART UNIT 2627		PAPER NUMBER		
MAIL DATE 12/29/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,669

Applicant(s)

VAN DER AA ET AL.

Examiner

HENOK G. HEYI

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Aoki US 2002/0029460 A1 (Aoki hereinafter).

Regarding claim 1, Aoki teaches an optical disc (An original disc having an uneven shape of the photoresist is obtained by removing the exposed portions, para [0037]), comprising a magnetic substrate (of magnetism of the substrate 31, para [0025]).

Regarding claim 2, Aoki teaches an optical disc (35, 36, 37) as claimed in claim 1, wherein said substrate is made of soft magnetic material (the substrate 31 with the foregoing magnetic layer 32 (soft magnetic layer), para [0024]).

Regarding claim 3, Aoki teaches an optical disc (35, 36, 37) as claimed in claim 1, wherein said substrate is made of metal (the substrate 31 made of a ferromagnetic metal, para [0025]).

Regarding claim 4, Aoki teaches an optical disc (35, 36) as claimed in claim 1, wherein said optical disc is planar (see Fig. 6).

Regarding claim 5, Aoki teaches an optical disc (36) as claimed in claim 4, wherein said magnetic substrate has a depression for receiving a cover layer (a protection film such as diamond-like carbon (DLC) may be provided on the uppermost layer. The protection film enhances resistance to contact, para [0025]).

Regarding claim 6, Aoki teaches an optical disc (35, 37) as claimed in claim 1, wherein said magnetic substrate is planar (see Fig. 6).

Regarding claim 7, Aoki teaches an optical disc (37) as claimed in claim 6, wherein said substrate (30) extends beyond said cover layer (32), so as to leave space for a magnet (the magnetic transfer can be performed using only the substrate 31, and it is unnecessary to cover the substrate 31 with the foregoing magnetic layer 32 (soft magnetic layer), para [0024]).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki US 2002/0029460 A1 (Aoki hereinafter) in view of Penning et al. US 2006/0075409 A1 (Penning hereinafter).

Regarding claim 8, Aoki teaches an optical disc (35, 36, 37) as claimed in claim 7, but Aoki fails to teach said disc is a Small Form Factor Optical (SFFO) disc. However,

Penning teaches such disc (This invention is particularly relevant for optical discs and more particularly for small form factor optical SFFO discs, para [0003]). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the optical disc of Aoki to be an SFFO disc. The modification would have been obvious because of the benefit of SFFO disc working fine even in damaging environment because of its thickness (see para [0021]).

3. Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki US 2002/0029460 A1 (Aoki hereinafter) in view of Penning et al. US 2006/0075409 A1 (Penning hereinafter) and further in view of Obata et al. US 2002/0181151 A1 (Obata hereinafter).

Regarding claim 9, Aoki teaches a reading and/or recording apparatus (The existing servo write is prepared by recording the signals one track by one track for each slave medium by use of a servo write apparatus exclusively used for that purpose, para [0006]) but Aoki fails to teach the apparatus comprising rotating means for rotating a turntable (50), said turntable comprising magnetic means (51) for clamping an optical disc (35, 36, 37) as claimed in claim 1 onto said turntable and heightening means (52) for preventing said disc from coming into contact with said magnetic means. However, Obata teaches a rotating means for rotating a magnetic disc on a turntable (a magnetic disc is placed on a turntable of rotor, para [0031]) and also contact preventing means (see para [0169]). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the recording apparatus of Aoki so that there will be a contact preventing means between the optical disc and the magnetic means. The

modification would have been obvious because of the benefit of this contact preventive means in preventing contact between the optical disc and the magnetic means so that the magnetic effect wouldn't hinder the recording and reading process.

Regarding claim 10, Aoki teaches a reading and/or recording apparatus as claimed in claim 9, comprising optical means (60) for reading and/or recording information on said optical disc (35, 36, 37), said optical means (60) being located on a same side of said optical disc than the rotating means (a magnetic head reads the signals to correct its own position, whereby the magnetic head can trace the track accurately, para [0005]).

Regarding claim 11, Aoki teaches an apparatus as claimed in claim 10, wherein said heightening means (52) are formed by a circular protuberance capable of supporting the optical disc ((a magnetic head reads the signals to correct its own position, whereby the magnetic head can trace the track accurately, para [0005]).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

/Henok G Heyi/
Examiner, Art Unit 2627